

MINUTES – JANUARY 25, 2012

The Caswell County Board of Commissioners met in special session at the Historic Courthouse in Yanceyville, North Carolina at 7:30 p.m. on Wednesday, January 25, 2012. Members present: Nathaniel Hall, Chairman, Cathy W. Lucas, Vice-Chair, William E. Carter, Jeremiah Jefferies, Gordon G. Satterfield, Kenneth D. Travis and N. Kent Williamson. Also present: Kevin B. Howard, County Manager, Brian Ferrell, County Attorney and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Hall opened the meeting with a Moment of Silent Prayer.

APPROVAL OF AGENDA

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the Agenda. The motion carried unanimously.

OATH OF OFFICE

Ms. Paula P. Seamster, Clerk to the Board, administered the following Oath of Office to Mr. N. Kent Williamson.

NORTH CAROLINA

CASWELL COUNTY

OATH OF

COMMISSIONER OF CASWELL COUNTY

I, **N. KENT WILLIAMSON**, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully discharge the duties of my office as Commissioner of Caswell County, so help me God.

S/N. Kent Williamson

N. Kent Williamson

Subscribed and sworn to
before me this 25th day
of January,
2012.

S/Paula P. Seamster
Paula P. Seamster

Clerk to the Board
Title

The members of the Board of Commissioners, the County Manager and the County Attorney welcomed Commissioner Williamson to the Board.

OPTIONS FOR REVISITING PRIOR VOTES

Chairman Hall stated “We discussed this a couple of times. I don’t remember, but I think it was Commissioner Satterfield who raised this to get it on the agenda tonight. If this is not worded properly I will start with Commissioner Satterfield and then we will hear from our attorney. Based on the questions that may or may not be asked we may have to go into Closed Session, I wanted to alert every one of that.”

Commissioner Satterfield stated “Mr. Chairman, I just feel like with the decision that has been made by the Board of Elections, I think back in July or whenever it was made, and that decision being upheld by Superior Court, that the votes that were taken, that are critical votes, ones that may or may not be questioned by the public, should be revisited and re-voted upon by this Board.”

Commissioner Satterfield moved, seconded by Commissioner Carter to revisit any questionable votes that were cast during that period of time and this should be done as soon as possible with any pertinent information sent out to all Board members.”

Chairman Hall asked “How would you define a questionable vote?” Commissioner Satterfield responded “A vote that was cast in the majority by Commissioner Battle. It would be a critical vote when it was a 4-3 vote or a 3-2 vote or whatever the vote may have been. If that vote carried, I think we have talked about this before, I think it was maybe five or six votes, that were questionable. I don’t remember exactly how many there were, maybe the county attorney remembers, we looked at them.”

Chairman Hall stated “If I recall, at least one of those that you would define as critical, we addressed that issue. The Board voted not to readdress it. Is that correct?” Commissioner Satterfield responded “Not to my knowledge.” Commissioner Travis asked “Which one was that?” Chairman Hall responded “The one on redistricting. That came up in December, did it not?” Commissioner Travis responded “Yes, we did vote on it.” Chairman Hall continued “The Board did not readdress that issue. So if there are some other issues...”

Commissioner Satterfield asked “We talked about that in an open meeting in December about not readdressing that?” Chairman Hall responded “I think it was in December, the night the School Board was here, and you made a motion to get them on the agenda for comments on reversing that decision.” Commissioner Satterfield continued “I don’t recall any decision being made by this Board on that. I will have to read the minutes Mr. Chairman.”

Mr. Ferrell stated “We have discussed my legal opinion in Closed Session as to the legal implications of Commissioner Battle’s participation in the prior votes. I am certainly happy and willing to discuss that opinion with you again in Closed Session this evening should anybody want to hear from me further on my legal opinion surrounding the validity of those votes. The large overview is that, in my opinion as it stands now, the votes on record by Commissioner

Battle are the votes of this Board and this Body until some further action is taken by the Board or some other entity to change them.”

Chairman Hall asked “So Fellow Commissioners, how should we proceed?” Mr. Ferrell asked “Mr. Chairman was there a motion on the floor?” Commissioner Satterfield responded “Yes.”

Commissioner Travis stated “Mr. Chairman I think we still need to talk to our attorney in Closed Session before we vote again.”

Commissioner Lucas asked “What would be the purpose of discussing it in Closed Session?” Mr. Ferrell responded “The only purpose would be to get my legal opinion as to the legal implications of revisiting the votes. There could be no discussion by the commissioners on the merits. It would be for the sole purpose of preserving the attorney/client privilege and receiving my legal advice which would be what I have communicated to each of you previously.” Commissioner Lucas continued “That would pertain to?” Mr. Ferrell responded “The implications of revisiting the votes which is the motion that I understand is on the table.”

Commissioner Travis asked “Does anyone know when this redistricting is going to be finalized?” Chairman Hall responded “I think we will get an answer by February 27th. I contacted the Justice Department after our last meeting and was told by February 27th, which would be their 60 days.” Commissioner Travis continued “What would happen if we were to revisit this and a change was made in it, where would we stand as far as the election?” Mr. Ferrell responded “Again, there are legal consequences that would flow from changing the decision on the redistricting resolution that was put forward and due to the potential risks of litigation that is something that I can address with you in Closed Session if you would like.”

Commissioner Carter asked “If we have Closed Session tonight, would it be different from what you told us before?” Mr. Ferrell responded “No, the information that I have is the same as what you heard before. I can certainly reiterate it. Perhaps there are some legal questions that you have that you have not asked before that will be different but my analysis is unchanged since each of you has heard from me.”

Commissioner Lucas asked “You talk about a potential lawsuit. It is the fact that we are not dealing with an actual lawsuit?” Mr. Ferrell responded “That is correct. There is, to my knowledge, there is no action filled but just due to the potential of litigation in any and redistricting gives rise to litigation quite a bit.” Commissioner Lucas continued “And that would warrant a Closed Session? I just want to be sure we are right about Closed Session.” Mr. Ferrell responded “No, I think it is attorney/client privilege information to give my legal opinion about the affects of essentially revisiting this redistricting effort. I definitely think that is a Closed Session item.” Commissioner Lucas stated “Chairman Hall, when will we get the information pertaining to the votes? Are we going to take action on that tonight or are we going to take action on revisiting, because we don’t have the votes in front us to address that.” Chairman Hall responded “I don’t recall what they were. I think they were described at the last meeting.” Commissioner Lucas asked “Is that what you were implying?” Commissioner Satterfield responded “That was part of my motion that that information to given to each one of us in regards to the questionable votes or any other data that we need to revisit those votes.”

Commissioner Travis asked “Do we need a motion to go into Closed Session?” Chairman Hall responded “It is probably appropriate for a motion to table this and to go into Closed Session rather than to take action, if there is a desire.”

Commissioner Travis moved to table the motion until the Board hears from the attorney on the legal implications on the motion. The motion dies due to no second.

The Clerk asked Commissioner Satterfield is the only votes he wanted to revisit were the votes that were determinable. Commissioner Satterfield responded “Yes the votes that are in question that we have talked about on several occasions.”

Commissioner Travis asked “Why did we get the attorney up here tonight if we can’t get any advice from him? If you are not going to use him for what we need, I don’t see the need to have him here.”

The Board took a vote of the motion to revisit any questionable votes in which Mr. Battle was the determining factor, but after a show of hands not all the commissioners voted on the motion.

Chairman Hall asked “Did you vote Commissioner Williamson?” Commissioner Williamson responded “No I did not. Can we do it again please?” Chairman Hall continued “Just as a point of reference since this is your first night, if you don’t vote it is assumed that you are voting in the affirmative. The motion was to revisit those issues where Mr. Battle was the determining factor.”

Upon a vote of the motion, the motion failed by a vote of three to four with Commissioners Hall, Jefferies, Travis and Williamson voting no.

ADJOURNMENT

At 7:45 p.m. Commissioner Travis moved, seconded by Commissioner Jefferies to adjourn. The motion carried unanimously.

Paula P. Seamster
Clerk to the Board

Nathaniel Hall
Chairman
